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INFO RUCNASE/ASEAN MEMBER COLLECTIVE  
RUEHGG/UN SECURITY COUNCIL COLLECTIVE  
RUEHBY/AMEMBASSY CANBERRA 1614  
RUEHNE/AMEMBASSY NEW DELHI 5096  
RUEHUL/AMEMBASSY SEOUL 8694  
RUEHKO/AMEMBASSY TOKYO 6264  
RHMMUNA/CDR USPACOM HONOLULU HI  
RUEHGV/USMISSION GENEVA 4112  
RHEHNSC/NSC WASHDC  
RUCNDT/USMISSION USUN NEW YORK 2080  
RUEKJCS/SECDEF WASHDC  
RUEHBS/USEU BRUSSELS  
RUEKJCS/Joint STAFF WASHDC

C O N F I D E N T I A L RANGOON 000860

SIPDIS

STATE FOR EAP AND IO; PACOM FOR FPA

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TAGS: PGOV PREL PHUM BM

SUBJECT: BURMA REGIME GOES AFTER MORE LAWYERS

REF: RANGOON 848

Classified By: Pol Officer Sean O'Neill for Reasons 1.4 (b) & (d)

SUMMARY

¶1. (C) Our sources confirm that on October 30, opposition lawyers U Aung Thein and U Khin Maung Shein were charged with contempt of court. The two attorneys appeared before a Rangoon court November 6 to face the charges, only to have their cases postponed without decision. In late October, two other lawyers were charged with contempt, one of whom has already been sentenced to six months' imprisonment (reftel). NLD spokesman and lawyer U Nyan Win commented to us that the regime's actions are both new and troubling, and he worries they could have a chilling effect on other opposition lawyers. Due to concerns from U Aung Thein's family that a USG statement could put him at additional risk of arrest, we recommend refraining from public comment until we can speak further with U Aung Thein about his pending case. End Summary.

TWO MORE LAWYERS CHARGED WITH CONTEMPT

¶2. (C) NLD spokesman U Nyan Win confirmed that on October 30 opposition defense lawyers U Aung Thein and U Khin Maung Shein were charged with contempt of court after they protested the lack of due process in the trials of several detained activists they represent. On November 6, the two attorneys appeared before a Rangoon court to face the charges, only to have their cases postponed without decision. U Aung Thein and U Khin Maung Shein remain free pending another hearing. If convicted, each of them could receive as much as six months' imprisonment.

¶3. (SBU) Both U Aung Thein and U Khin Maung Shein are prominent defense attorneys who represent several high-profile political detainees, including Min Ko Naing, Ko Ko Gyi, and U Gambira. They are two of only a dozen or so lawyers in Burma who regularly represent detained activists.

A DISTURBING NEW TREND

¶4. (C) NLD spokesman and lawyer U Nyan Win told us it is

rare for the regime to prosecute opposition lawyers in connection with their legal work. He believes the move could have a chilling effect on other lawyers. While the government has prosecuted some lawyers in the past, nearly all were targeted for their political activism, not their legal work. Speaking to us before his hearing, U Aung Thein added that, in the past, the few cases where the regime has prosecuted opposition lawyers for their legal work have resulted in small fines, not jail time.

¶ 15. (C) That precedent was broken on October 29, when a judge sentenced opposition lawyer Nyi Nyi Htwe to six months' imprisonment for contempt of court. Another lawyer, Saw Kyaw Kyaw Min, has been in hiding since officials issued an arrest warrant for him on the same charge (reftel). NLD spokesman U Nyan Win said the NLD has no plans to assist Nyi Nyi Htwe because he is not a party member.

COMMENT

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¶ 16. (C) The regime's prosecution of these defense lawyers represents a blatant attempt by the junta to intimidate them and a new tactic for attacking the opposition. U Aung Thein's family is clearly concerned for the lawyer's well being. His wife today asked us not to comment publicly on her husband's case lest it damage his chances of remaining free. We recommend the Department respect the wife's wishes and refrain from public comment until we can speak further with U Aung Thein about his pending case.

DINGER